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**From:** Seyfried, Erin  
**Sent:** Thur 1/16/2014 12:01:45 AM  
**Subject:** Draft FR Notice for Comment Permit Extension...AND....  
2014-01-15\_Geotech GP (AKG-28-4300)\_FR Notice of Extension\_DRAFT.docx

Hello - Please let me know if you have any comments on the attached draft FR notice.

## **DELIBERATIVE PROCESS**

Heather Ptak (Shell) just called me, and I wanted to relay to you both an overview of the conversation. I did mention that if anything came up that was within the spectrum of the draft Geotech GP, I would appreciate if they submitted comments on the matter and EPA would respond accordingly.

Heather wanted to explore further the question about MLC construction (brought up on Friday), and to clarify which permit authorizes discharges from this activity.

We discussed the definition of “exploration facility”, as written in the Exploration GPs. Heather inquired about the dimensions of the MLC analyzed in the Exploration GPs ODCE. Apparently, the technology they are evaluating will likely result in a 50% increase in the volume of cuttings discharged at the seafloor as a result of MLC construction. They are considering the use of an ROV that will operate like an excavator (note – this technology still does not use drilling fluids). They do not intend to conduct this type of MLC construction in 2014, but they will be pursuing it in 2015 and beyond to help expedite the “exploration process.”

It seems to me, that this is likely their biggest concern with the draft Geotech GP (our exclusion of discharges associated with activities requiring an EP or APD), as Heather mentioned that there is some uncertainty as to whether this type of MLC construction would be covered by an APD, or whether BOEM would consider this an “ancillary activity” (similar to geotech).

I encouraged Heather to ensure Shell includes this in their comments on the Geotech GP so EPA would have the opportunity to respond.

At the end of the conversation, I asked if Shell was still on track to submit comments on the draft Geotech GP “on/before/post-marked by” January 27, and she said yes – although there had been some discussion, internal to Shell, about whether they should request an extension of the public comment period.

Thanks,

Erin

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